

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

**May 14, 2009**

**5:30 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** that the Minutes of the regular meeting of the Common Council held on May 7, 2009 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending May 13, 2009 in the amount of \$293,218.78 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Rabideau; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of May 7-13, 2009
- Report from the Building Inspector's Office from April 28- May 11, 2009
- Report of the Parking Violations Bureau for April 2009
- Receipt of the Finance Department's Statement of Revenues and Expenditures for April 2009

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Valentine; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS:**

- none -

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills approved by the Auditing Committee of the Common Council in the amount of **\$1,389,719.70** are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL:**

**Sue Ford** of 106 Pine Street is concerned about the eminent domain procedure. Ford delivered a packet to the Community Development Office with issues to prove that the plot belongs to her. Ford said he owns the plot by adverse possession. The law was revised in 2008 and they meet all the conditions. The City has never challenged the Ford's for over 30 years. The Ford's never heard anything from City Hall or the Community Development Office as far as her questions about the property. Ford said she never received a certified letter. Ford said for over 60 years the infrastructure is a mess as well as the road, sidewalks, and curbs where there are curbs. Ford heard that they would be taken care of under a grant the city received and she would like to see that on paper. When you have a project that you are spending 9 million dollars on you should take care of the infrastructure before making a trail. It concerns everyone in the city because if money is spent on the trail will there be money to maintain. Ford feels that her civil rights are being challenged because no one has given her any information. It's unfair to everyone. SUNY disagreed with the trail. Ford said Keith Tyo had the same concerns. Ford heard concessions being given to SUNY that the city is agreeing to but some of the Councilors don't know about it. One Councilor said the footbridge belongs to the Plattsburgh City School District. Ford called the Superintendent and he said it a negotiable thing because the city is trying to make the school responsible.

**Mayor Kasprzak** said to Ford that some of the things are not accurate.

**Sue Ford** of 106 Pine Street said she wants to know what's not accurate.

**Mayor Kasprzak** said some of her points are good. The college situation that was provided is miss information. The city is working closely with SUNY. Kasprzak said he would not debate this right now and he has not been personally argumentative with the Fords.

**Sue Ford** of 106 Pine Street said the committees that have been put together give information that is not necessarily untrue but it's not all the information that should be given to the councilors. The six councilors will be the people responsible in the future if something happens. It will be there fault.

**Mayor Kasprzak** said it will go through with legal action.

**John Ford** of 106 Pine Street stated that he would like to make a correction from the last time he was at the Common Council meeting regarding the \$50,000 he put into his piece of property and that he never asked for compensation. The paper stated that. Ford said the issue is they are being properly represented by the city of Plattsburgh

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## **7. OTHER ITEMS**

**A.** Request from WPCP to advertise for bids for Contract #2009-07 “Electrical Services” for the one-year beginning on June 28, 2009.

**RESOLVED:** In accordance with the request therefore the Common Council approves WPCP to advertise for bids for Contract #2009-07 “Electrical Services” for the one-year beginning on June 28, 2009.

By Councilor Jackson; Second by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B.** Request from WPCP to extend Contract #2007-06 “Hauling of Sludge” to Drummac Septic for one year.

**RESOLVED:** In accordance with the request therefore the Common Council approves WPCP to extend Contract #2007-06 “Hauling of Sludge” to Drummac Septic for one year.

By Councilor Valentine; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**C.** Request from WPCP to extend Contract #2008-09 “Instrumentation” to Total Control System Services until June 27, 2010.

**RESOLVED:** In accordance with the request therefore the Common Council approves WPCP to extend Contract #2008-09 “Instrumentation” to Total Control System Services until June 27, 2010.

By Councilor Jackson; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**D.** Request from the City Chamberlain to perform a closing budget transfer for the 2008 General Fund appropriations deficit line items against surplus line items to end the budget year.

**RESOLVED:** In accordance with the request therefore the Common Council approves the City Chamberlain to perform a closing budget transfer for the 2008 General Fund appropriations deficit line items against surplus line items to end the budget year.

By Councilor Jackson; Second by Councilor Calnon

Discussion:

**Councilor Jackson** thanked Finance; this is the earliest it has been done.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**E.** Request from the City Engineer for the Common Council to approve the Mayor to sign the SEQR Finding and Negative Declaration for the Saranac River Trail.

**RESOLVED:** In accordance with the request therefore the Common Council approves the Mayor to sign the SEQR Finding and Negative Declaration for the Saranac River Trail.

By Councilor Kelly; Second by Councilor Rabideau

Discussion:

**Councilor Carpenter** asked Corporation Counsel Clute if there could be any problems with moving forward on the trail.

**Corporation Counsel Clute** said no.

**Councilor Rabideau** project going on over four years and up to a couple years ago we realized that there wasn't much involvement with the public so a committee was made and the public attended. The Ford's have been to the meetings and saw where the trail was going to go. There was nothing that was hidden and there were plenty of discussions.

**Councilor Kelly** said he is in favor of this trail. The question is as we keep adding infrastructure we don't do anything to provide maintenance for it. It's something to keep in mind. We are adding trails and parks and somebody has to maintain the stuff and see how we will maintain them. The people who live on Pine Street said they haven't been informed of projects going on like the NYSEG clean up and the MLD pole being put up. Kelly said we should listen to the individuals and make sure they know exactly what's going on. Kelly said Ford was correct saying that the existing infrastructure is in bad shape. Kevin Farrington said perhaps they could do the streets at the same time. Kelly hopes that will happen.

**Councilor Valentine** suggested he hold Ward forums.

**Councilor Kelly** said thank you, excellent idea.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**F.** Request from the City Engineer for the Mayor and Council to approve the following resolution: Accepting the determination and findings relating to the proposed public project PIN ME028.30A, to construct the Saranac River Multi-Use Path from George Angell Drive to the Saranac Street Bridge located in the City of Plattsburgh, Clinton County, New York and a copy of said resolution is made part of this meetings minutes.

**RESOLVED:** In accordance with the request therefore the Common Council approves the following resolution: Accepting the determination and findings relating to the proposed public project PIN ME028.30A, to construct the Saranac River Multi-Use Path from George Angell Drive to the Saranac Street Bridge located in the City of Plattsburgh, Clinton County, New York and a copy of said resolution is made part of this meetings minutes.

By Councilor Jackson; Second by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**G.** Request from the Building Inspector to refund \$50.00 to Louis Plante of 153 Rugar Street for a zoning variance fee that was not required.

**RESOLVED:** In accordance with the request therefore the Common Council approves the Building Inspector to refund \$50.00 to Louis Plante of 153 Rugar Street for a zoning variance fee that was not required.

By Councilor Calnon; Second by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**H.** Motion to waive Rule 4 for initial item “Request from Community Development to advertise for bids for building improvements on Project Main St. #1 located at 25 Bridge Street,” “Request from Community Development to advertise for bids for building improvements on Project Main St. #2 & #3 located at 16-22 City Hall Place,” and “Request from the City Engineer to reject all bids and re-advertise for Contract #2009-03, Painted Pavement Markings.”

By Councilor Carpenter; Second by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**RESOLVED:** In accordance with the request therefore the Common Council approves Community Development to advertise for bids for building improvements on Project Main St. #1 located at 25 Bridge Street.

By Councilor Carpenter; Second by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

**RESOLVED:** In accordance with the request therefore the Common Council approves Community Development to advertise for bids for building improvements on Project Main St. #2 & #3 located at 16-22 City Hall Place.

By Councilor Carpenter; Second by Councilor Kelly

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

**RESOLVED:** In accordance with the request therefore the Common Council approves the City Engineer to reject all bids and re-advertise for Contract #2009-03, Painted Pavement Markings.

By Councilor Carpenter; Second by Councilor Valentine

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## **8. RESOLUTIONS FOR INITIAL CONSIDERATION**

1. Request from The Back Porch Band to perform a free concert at the Westelcom Stage on Friday July 24<sup>th</sup>.
2. Request from the Strawhatter's Concert Band to perform a free concert on Wednesday July 8<sup>th</sup> at Trinity Park, Wednesday July 29<sup>th</sup> at the Old Base Oval, and Wednesday August 5<sup>th</sup> at South Acres Park.
3. Request from Community Development to advertise for bids for building improvements on

Project Main St. #1 located at 25 Bridge Street.  
(Moved to Agenda under “Other Items” letter H)

4. Request from Community Development to advertise for bids for building improvements on Project Main St. #2 & #3 located at 16-22 City Hall Place.  
(Moved to Agenda under “Other Items” letter H)
5. Request from the City Chamberlain to approve a bond resolution of the City of Plattsburgh, New York, authorizing financing for the construction of a Multi-Use Path owned by the City to be used for recreation, stating the estimated maximum cost thereof is \$1,504,000, appropriating said amount therefore, and authorizing the issuance of \$304,000 serial bonds of said City together with the New York State MM4 Grant in the amount of \$1,200,000 to finance said appropriation per the attached detailed resolution to be adopted and included in the minutes of this meeting, accompanied by extract and estoppel certifications to be supplied after the required legal notice has been published.
6. Request from the City Engineer to advertise for bids for Contract #2009-08, “One Single Broom Vacuum Street Sweeper/Catch Basin Cleaner.”
7. Request from the City Engineer to reject all bids and re-advertise for Contract #2009-03, “Painted Pavement Markings.”  
(Moved to Agenda under “Other Items” letter H)
8. Request from the City Engineer to award Contract #2009-01, “Brinkerhoff Street Improvements, North Catherine Street – Oak Street & North Catherine Street Waterline Replacement, Brinkerhoff Street – Couch Street” to Luck Brothers for a total bid price of \$286,650.00.
9. Request from Chief Desmond Racicot to attend the “2009 New York State Association of Chiefs of Police Annual Training Conference” in Saratoga Springs, NY from July 12-15, 2009 with Captain Michael Branch for an estimated cost not to exceed \$1,300 which will be paid out of Asset Forfeiture Fund.
10. Request for the Mayor to sign a property tax agreement with Catherine Gardens.

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**9. NEW BUSINESS**

None

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**10. CLOSING PUBLIC COMMENTS**

None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Valentine  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)  
**MEETING ADJOURNED:** 6:00 p.m.